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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,709	03/04/2002	Satish N. Menon	A-69967/RMA	4796

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EXAMINER

LIN, KELVIN Y

ART UNIT PAPER NUMBER

2142

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,709

Applicant(s)

MENON ET AL.

Examiner

Kelvin Lin

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2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Claims 13, and 14 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Because,

2. Regarding Claim 13 for claiming the edge server wherein the amount of video content when rendered in real-time at an intended playback rate would exceed ten minutes of broadcast quality video". The specification is not enabling to make or use by either a "specific, substantial and credible" asserted utility or a well established utility for deriving a claimed method of ten minutes boundary.

3. Similarly, Regarding claim 14, for claiming the edge server wherein the amount of video content when rendered in real-time at an intended playback rate would exceed 60 minutes of broadcast quality video". The specification is not enabling to make or use by either a "specific, substantial and credible" asserted utility or a well established utility for deriving a claimed method of ten minutes boundary.

4. Compare to Claim 13, and 14, one is exceed 10 minutes and the other one is exceed 60 minutes, which are ambiguous.

Response to Arguments

1. Application's argue with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amended Claims

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 USC 102(e) as being anticipated by Ben-Shaui et al., (US PG Pub. No. 2002/0010798).
3. Regarding claim 1, Ben-Shaui teaches a metadata enabled edge server for distributing a content object to a user over a network communication link in response to a user request (Ben-Shaui, [0187]), said metadata enabled edge server comprising:

- a server computer having a processor and memory coupled to said processor for executing computer program instructions, and at least one input/output port for receiving and sending communications from external entities (Ben-Shaui, [0072]);
 - a storage device coupled to said server computer and storing metadata describing content objects accessible to said server computer including at least one location from where a particular one of said content objects is stored and may be directed to said user (Ben-Shaui, [0037]); and
 - a controller for distributing said particular one of said content objects to said user using said metadata and for maintaining isochronous delivery of portions of said particular one of said content objects over said network communication link (Ben-Shaui, [0049], [0055], in which the ATM corresponds to the isochronous delivery, and the local controller corresponds to the controller for distributing) .
4. Regarding claim 2, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said controller includes a request response and a playback procedure executing as software on said metadata enabled edge server (Ben-Shaui, [0057],).
5. Regarding claim 3, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said network communication link comprises the Internet

(Ben-Shaui, [0003]).

6. Regarding claim 4, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said network communication link comprises a packet switched communication link not in itself having means for maintaining isochronous delivery of a content object separated into a plurality of packets for communication from said server to said requesting user (Ben-Shaui, [0049], [0283]).
7. Regarding claim 5, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said content objects are internally accessible to said server computer (Ben-Shaui, [0056]).
8. Regarding claim 6, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said content objects are externally accessible to said server computer (Ben-Shaui, [0055]).
9. Regarding claim 7, Ben-Shaui further partially discloses a metadata enabled edge Server as in claim 1, wherein said storage device stores data selected from the group consisting of content physical properties, content storage locations, content usage terms content usage rights, content playback duration, content prefix cache status content network routing cost information, and combinations thereof. (Ben-Shaui, [0049], [0083]).
10. Regarding claim 8, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein metadata also includes a prefix portion of the content or a

low-resolution preview of the content (Ben-Shaui, [0344]).

11. Regarding claim 9, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said control means includes a request response and playback procedure (Ben-Shaui, [0049], [0056]-[0057]).
12. Regarding claim 10, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said storage stores at least one content object that is intended to be rendered for presentation at a predetermined time rate (Ben-Shaui, [0024], in which the customer may select the deliver speed corresponds to the time rate).
13. Regarding claim 11, Ben-Shaui further discloses a metadata enabled edge server as in claim 1, wherein said at least one content object comprises a video content object having image element frames and audio elements that are intended to be rendered for presentation on a playback device at said predetermined time rate so as to provide substantially the same visual and audio rendering to a viewer when generated (Ben-Shaui, [0019], 11-22, in which the parameter of dynamic, streaming media corresponds to the time rate for visual and audio).
14. Regarding claim 12, Ben-Shaui further discloses a metadata enabled edge server as in claim 11, wherein the amount of data comprising said video content object is greater than the amount of data that is communicated in a packet over a packet switched Internet network (Ben-Shaui, [0049], amount of video content is greater than the data in a packet is well know in this skill of art)

15. Regarding claims 13-14, the amount of playback rates are not being defined clearly nor in the same category as claims 1-12. Therefore claims 13-14 are rejected.
16. Regarding claim 15, Ben-Shaui further discloses a metadata enabled edge server as in claim 11, wherein said video content object comprises substantially a full-length feature film in a video format (Ben-Shaui, [0266]).
17. Regarding claim 16, Ben-Shaui further partially discloses a metadata enabled edge server as in claim 1, wherein said network communication link comprises Internet infrastructure (Ben-Shaui, [0005], [0031], [0049]).
18. Regarding claim 17, Ben-Shaui further partially discloses a metadata enabled edge server as in claim 1, wherein said network communication link comprises Internet infrastructure and Internet communication protocols (Ben-Shaui, [0049], in which MPLS corresponds to the Internet protocols).
19. Regarding claim 18, Ben-Shaui further partially discloses a metadata enabled edge server as in claim 1, wherein said metadata is used to enables intelligent decisions to be made on system operation and content routing (Ben-Shaui, [0120]).
20. Regarding claim 19, Ben-Shaui further partially discloses a metadata enabled Edge server as in claim 1, wherein said metadata contains information about the Actual content including its physical properties, possible locations of the content represented by the metadata, its usage terms (Ben-Shaui, [0049], [0083]).

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21. Regarding claim 20, Ben-Shaui further partially discloses a metadata enabled edge server as in claim 1, wherein said metadata includes a globally unique identifier describing the content object and at least one location at which said content object may be found (Ben-Shaui, [0040], in which URL corresponds to the globally unique identifier).
22. Regarding claim 21, Ben-Shaui further partially discloses a metadata enabled Edge server as in claim 1, wherein said content object comprises a video content object having an amount of data requiring a plurality of packets for communication over a packet switched network, and said controller providing isochronous delivery from said identified content location to a playback device of said requesting user (Ben-Shaui, [0049]).
23. Regarding claim 22 has similar limitation as claim 1. Therefore, Claim 22 is rejected for the same reasons set forth in the rejection of claim 1.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/13/05
KYL



KAMINI SHAH
PRIMARY EXAMINER



APPLICATION NO. 101090, 101
Amtd. Dated June 24, 2005
Reply to Office Action of March 24, 2005
REPLACEMENT SHEET

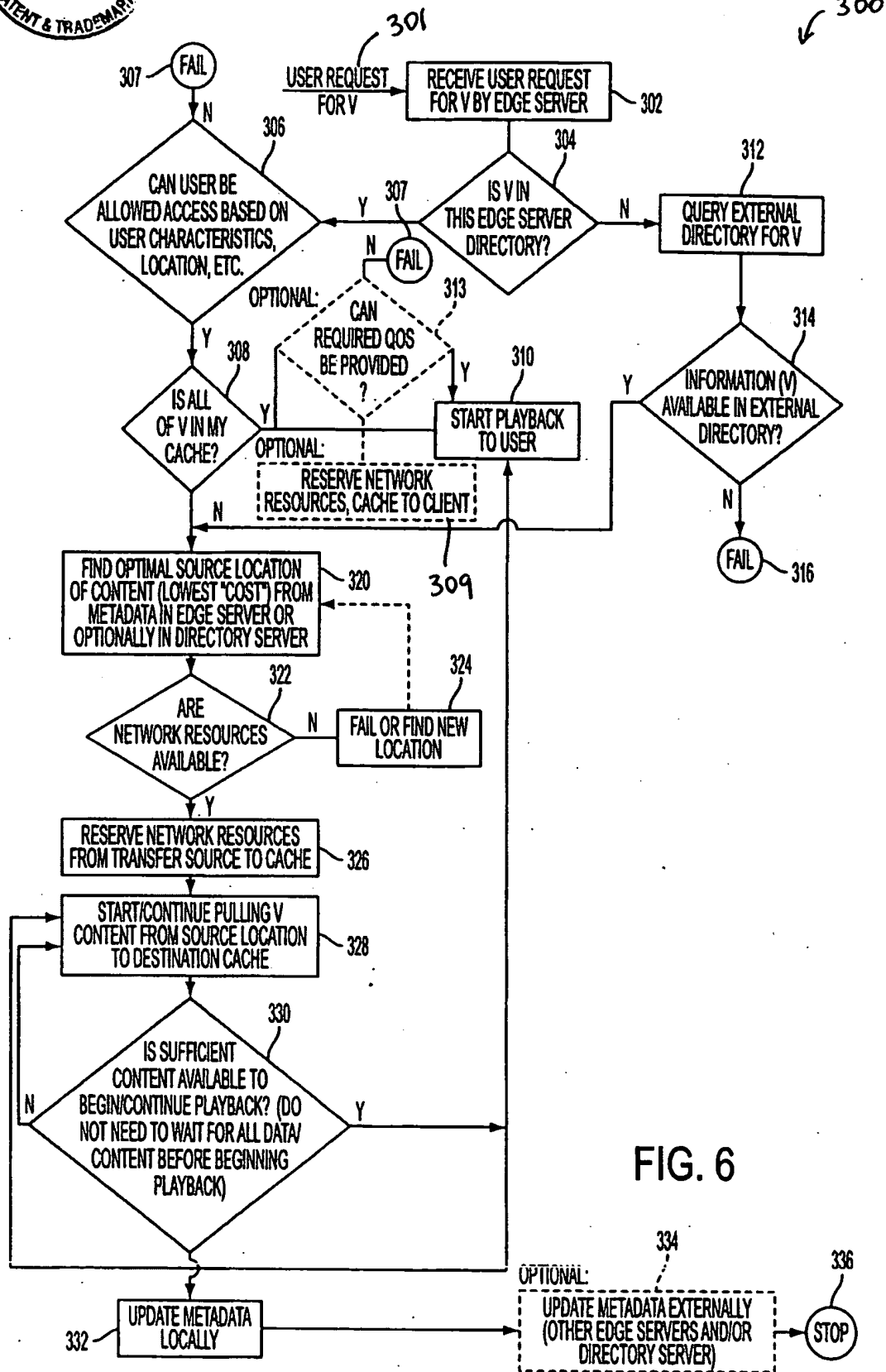


FIG. 6

OK
9/13/05